

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6283		Date: December 8, 2009
Department: Public Works	Attachments: Ordinance No. 6283	Budget Impact: \$
Administrative Recommendation: City Council introduce and adopt Ordinance No. 6283.		
Background Summary: <p>Ordinance No. 6283 authorizes the amendment of Auburn City Code chapters 12.04 Public Works Construction, 13.48 Storm Drainage Utility, 15.74 Land Clearing, Filling and Grading and 13.41 Utility Systems Development Charge to bring them into compliance with requirements of the Western Washington Phase II Municipal Stormwater Permit issued January 17, 2007 and modified June 17, 2009.</p> <p>The Permit requires permittees to develop, implement and enforce a program to reduce pollutants in stormwater runoff to the municipal separate storm sewer system from new development, redevelopment and construction site activities. The use of a Surface Water Design Manual that incorporates the minimum requirements, technical thresholds, and definitions from Appendix I of the permit, and that has a site planning process, BMP selection criteria and design criteria that when used to implement the minimum requirements will protect water quality to the maximum extent practicable and satisfy the State requirement under Chapter 90.48 RCW to apply AKART (all known, available, and reasonable methods of prevention, control and treatment) prior to discharge is a permit required program component.</p> <p>The proposed change in ACC 12.04 is to adopt the City of Auburn Surface Water Management Manual (SWMM) in place of the design requirements of Chapter 6 of the current Design Standards. The changes in ACC 13.48 include modification and addition of definitions, and addition of the minimum technical requirements for new development and redevelopment. Changes in ACC 15.74 are to make the code consistent with the requirements in the SWMM. Modification of ACC 13.41 is made to include a different definition of "impervious surface" for the purpose of SDC fee calculation.</p> <p>W1221-3 O4.11</p>		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input checked="" type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing ___/___/___ Referred to _____ Until ___/___/___ Tabled _____ Until ___/___/___		
Councilmember: Wagner		Staff: Dowdy
Meeting Date: December 21, 2009		Item Number: VIII.A.4

ORDINANCE NO. 6 2 8 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 12.04.010, 13.41.010, 13.48.010, 13.48.180, 13.48.210, AND 13.48.225 OF THE AUBURN CITY CODE; CREATING A NEW SECTION 13.48.226 OF THE AUBURN CITY CODE; AMENDING SECTIONS 13.48.230 AND 13.48.250 OF THE AUBURN CITY CODE; REPEALING SECTION 13.48.260 OF THE AUBURN CITY CODE; AND AMENDING SECTIONS 13.48.290, 13.48.440, 15.74.030, AND 15.74.050 OF THE AUBURN CITY CODE; ALL RELATING TO ADOPTION AND IMPLEMENTATION OF A SURFACE WATER MANAGEMENT MANUAL

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) Phase II permit under which the City discharges stormwater requires the City to adopt various standards and procedures for stormwater management; and

WHEREAS, the City has prepared a Surface Water Management Manual to implement those permit requirements; and

WHEREAS, adoption of such a manual would require changes to various sections of the City Code to bring its provisions in line with the manual; and

WHEREAS, the City Council finds that adoption of the Surface Water Management Manual and its accompanying code changes will enhance the public health, safety, and welfare by protection of the environment,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code.

That section 12.04.010 of

the Auburn City Code be and the same hereby is amended to read as follows:

12.04.010 Adoption of engineering construction standards and engineering design standards.

A. Adopted – Engineering Construction Standards. The engineering construction standards include the following documents and manuals which are herein referred to as the “engineering construction standards” and are adopted by reference:

1. The Standard Plans (M21-01) for Road, Bridge, and Municipal Construction prepared by the Washington State Department of Transportation the latest publication and amendments thereto, as determined appropriate for city infrastructure by the city engineer and for conformance with adopted city engineering design standards.

2. The Standard Specifications for Road, Bridge and Municipal Construction, the latest (English) edition publication and amendments thereto as issued by the Washington State Department of Transportation as supplemented and amended through special provisions by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

3. The City of Auburn Engineering Standard Details, a manual of specific plans or drawings developed and adopted by the city of Auburn department of public works which show frequently recurring components of work that have been standardized for repetitive use, as supplemented and amended by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

B. Adopted – Engineering Design Standards. The engineering design standards as approved by the Public Works Committee, supplemented and amended by the City Engineer for specific design applications to the extent authorized by the Public Works Committee include the following documents and manuals which are herein referred to as the “engineering design standards” and are adopted by reference:

1. ~~A manual of specific design requirements adopted by the city of Auburn which shows frequently recurring public transportation and utility infrastructure standards as approved by the Public Works Committee, supplemented and amended by the city engineer for specific design applications to the extent authorized by the Public Works Committee.~~

2. The City of Auburn Surface Water Management Manual (SWMM) which is the 2008 City of Tacoma Surface Water Management Manual as amended for use in the City of Auburn.

The SWMM is a manual of specific requirements related to storm drainage management.

C. Adopted – Highway Access Management. Chapter 468-52 WAC, Highway Access Management – Access Control Classification System and Standards, and amendments thereto, with the exception of WAC 468-52-060 and 468-52-070, is adopted by reference with the following amendments:

1. All references to the “Department” shall be changed to “City of Auburn.”

2. All references to Chapter 468-51 WAC or sections thereof shall be changed to “City of Auburn Engineering Design Standards.” (Ord. 6157 § 1, 2008; Ord. 5042 § 1 (Exh. B), 1998.)

Section 2. Amendment to City Code.

That section 13.41.010 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.41.010 Definitions.

As used in this chapter, unless the context otherwise requires:

A. “Capacity facilities” includes but is not limited to:

1. Water system infrastructure including: water sources, treatment facilities, interties, pump stations, pressure reducing stations, standby generators, reservoirs, distribution, and transmission mains and appurtenances needed for distribution, fire protection and pressure.

2. Sanitary sewer system infrastructure including: lift stations, standby generators, force mains, conveyance lines and appurtenances needed to collect and transport sewage for treatment and disposal or to eliminate a storm and sanitary sewer cross connection.

3. Storm drainage system infrastructure including: pump stations, standby generators, storage facilities, water quality facilities, stream, creek or river improvements and conveyance lines needed to collect, transport and dispose of storm drainage, eliminate storm and sanitary sewer cross connections, eliminate storm and surface water flooding and water quality problems, and treatment and disposal facilities.

B. “Impervious surface” for the purpose of calculating a system development charge and only as it pertains to this chapter means a hard surface area that prevents the entry of water into the soil mantle. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, -concrete or asphalt paving. Open, uncovered, retention/detention facilities shall not be considered as impervious surfaces for the purpose of SDC fee calculation.

C. “Low Impact Development (LID)” for the purpose of calculating a system development charge and only as it pertains to this chapter means a stormwater management strategy that emphasizes conservation and use of natural site features integrated with engineered, small-scale stormwater controls to more closely mimic predevelopment hydrologic conditions. Some examples include: bioretention, permeable pavement and vegetated roofs.

DB. “Utility systems development charge” is a charge imposed on new customers, or existing customers revising use of their property, in recognition of the previous investment of the city and its customers in the utility systems. (Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3510 § 2, 1980.)

Section 3. Amendment to City Code.

That section 13.48.010 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.010 Definitions.

The following words when used in this chapter shall have the following meanings. Where ambiguity exists, technical words or phrases shall be interpreted in accordance with the City’s Surface Water Management Manual; non-technical words or phrases will be given their dictionary meaning. ~~unless the context clearly indicates otherwise:~~

A. “Base rate” means the monthly charge for service from the storm drainage utility to recover costs incurred by the utility such as administrative, billing and collection.

B. “Best Management Practices (BMPs)” means the schedules of activities, prohibitions of practices, maintenance procedures and structural and/or managerial practices when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

CB. “Charge in lieu of assessment” means a charge made by the city on property which has not previously participated in the cost of a public storm drainage line directly serving the property.

DC. “City of Auburn Engineering ~~d~~Design and ~~e~~Construction ~~s~~Standards” means the requirements adopted under Chapter 12.04 ACC for storm drainage, sanitary sewer, transportation~~street~~, and water ~~facility~~ design and construction.

ED. “Detention” means the temporary storage of storm and surface water runoff with provisions for the controlled off-site surface release of the stored water.

F. “Director” means the Public Works Director of the City of Auburn or designee.

GE. "Equivalent service unit (ESU)" means a configuration of development or impervious surfaces estimated to contribute an amount of runoff to the city's storm drainage system which is approximately equal to that created by the average single-family residential parcel. One ESU is equal to 2,600 square feet of impervious surface area or any portion thereof.

HF. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

IG. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

H. ~~"Impervious" means those portions of a property which are covered with surfaces impenetrable to water such as but not limited to asphaltic concrete, portland cement concrete or roofing. Permanent open water surface such as storm water treatment facilities are not considered impervious.~~

J. "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off in greater quantities or at an increased rate of flow from the flow under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered, retention/detention facilities shall not be considered as impervious surfaces for the purpose of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

K. "Land disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

L. "Low Impact Development (LID)" means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

MI. "National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and in Washington State, are administered by the Department of Ecology.

N. "New development" means land disturbing activities, including Class IV-general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

OJ. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purpose and given a tax lot number by the appropriate county assessor for the county in which the parcel is sited.

PK. "Parcel, developed" means any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface.

QL. "Parcel, non-single-family" means any parcel of developed land other than single-family or two-family (duplex) residential.

RM. "Parcel, single-family residential" means any parcel of land having on it a single detached dwelling unit which is designed for occupancy by one family or a similar group of people.

SN. "Parcel, two-family (duplex) residential" means any parcel of developed land having one duplex (two-family dwelling) per lot, as defined in Chapter 18.16 AGC.

IO. "Parcel, undeveloped" means any parcel which has not been altered from its natural state by grading or filling of the ground surface, or by construction of any improvements or impervious surfaces.

UP. "Retention" means the storage of storm and surface water runoff with no provisions for off-site surface release of the stored water other than by evaporation and infiltration.

V. "Redevelopment" means on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

W. "Runoff" means water that travels across the land surfaces and discharges to water bodies either directly or through a collection and conveyance system. See also "Stormwater"

X. "Source control BMP" means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Source control BMPs can be divided into two types. Structural Source Control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Operational Source Control BMPs are non-structural practices that prevent or reduce pollutants from entering the stormwater.

YQ. "Storm drainage facility" means any natural stream/creek or constructed component of Auburn's storm drainage system.

ZR. "Storm drainage system" means the total system of storm drainage facilities as described in ACC 13.48.030.

AAS. "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

BB. "SWMM" referred to in this Chapter means the City of Auburn Surface Water Management Manual which is the 2008 City of Tacoma Surface Water Management Manual as amended for use in the City of Auburn.

CCF. "Utility" means the city storm drainage utility created by the ordinance codified in this chapter.

DDU. "Watercourse" means a channel, either natural or manmade, in which a flow of water occurs, either continuously or intermittently.

EEW. "Water quality treatment" means an engineered and approved facility to remove contaminants in the existing flow regime of storm water generated from a developed parcel pursuant to applicable design standards in place at the time of approval. (Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5359 § 1, 2000; Ord.

5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 5146 § 1, 1998; Ord. 4492 § 4, 1991.)

Section 4. Amendment to City Code.

That section 13.48.180 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.180 Inspection and compliance with storm drainage requirements.

A. Duly authorized personnel of the city shall have free access to private property at hours subject to the provisions of ACC 1.20.010 for the purpose of inspecting private storm drainage systems, the manner in which they are being used, and the satisfactory compliance with the provisions of this article.

B. Any property, where the existing storm drainage facilities were constructed per approved construction plans, found to be in nonconformance with such plans, shall be required to correct all such nonconformances as directed by the city. If, after proper notice, the property owner does not comply with set requirements as directed by the city, then the city shall have the authority to correct such nonconformances and bill the property owner for all reasonable costs. Any delinquent payments shall constitute a lien as fixed by ACC 13.06.300.

C. Inspections of stormwater treatment and flow control facilities shall be performed by the City at a frequency to comply with the Western Washington Phase II Municipal Stormwater NPDES permit.

D. New residential developments that are part of a larger common plan of development or sale shall be inspected every 6 months during the period of heaviest house construction (i.e. 1 to 2 years following subdivision approval or until 50% of build-out is achieved) to identify maintenance needs and enforce compliance with the maintenance standards as needed. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

Section 5. Amendment to City Code.

That section 13.48.210 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.210 Water quality.

A. Prohibited Discharges. It is unlawful for any individual, firm or corporation to discharge into the public storm drainage system directly or indirectly any liquid or solid foreign substances of biodegradable or other nature which may cause or tend to cause water pollution, including but not limited to the following items:

Petroleum products including but not limited to oil, gasoline, diesel fuel, grease, fuel oil and heating oil; trash and debris; pet wastes; chemicals; paints; paint chips, steam cleaning wastes; wastes from washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates; laundry wastes; soaps; pesticides, herbicides or fertilizers; sanitary sewage; heated water; chlorinated water or chlorine; degreasers and/or solvents; bark and other fibrous material; antifreeze or other automotive products; lawn clippings, leaves or branches; animal carcasses; silt, sand, dirt or rock; acids or alkalis; dyes (without prior permission of the drainage utility); construction materials or food waste.

The following categories of non-stormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, as determined by colorimetric chlorine test kit: pH-adjusted to within the range of 6.5 to 8.5 pH units as determined by use of a calibrated pH meter or narrow range pH indicator paper with a resolution not greater than ± 0.5 standard units: and volumetrically and velocity controlled to prevent re-suspension of sediments in the public storm drainage system, as determined by visual inspection.

2. Dechlorinated swimming pool discharges. Discharges shall be dechlorinated to a concentration of 0.1 ppm or less, as determined by colorimetric chlorine test kit: pH-adjusted to within the range of 6.5 to 8.5 pH units as determined by use of a calibrated pH meter or narrow range pH indicator paper with a resolution not greater than ± 0.5 standard units: and volumetrically and velocity controlled to prevent re-suspension of sediments in the public storm drainage system, as determined by visual inspection.

3. Street washing at active construction sites. The entire area of street that is to be washed must be cleaned by sweeping before washing is permitted. Street wash water must be collected and be discharged back onto the construction site or otherwise be prevented from entering the public storm drainage system.

4. Other non-stormwater discharges shall be in compliance with the requirements of the stormwater pollution prevention plan reviewed by the City, which addresses control of such construction site dewatering discharges.

B. Discharge of Pollutants – Liability for Expenses Incurred by the Utility. Any individual, firm or corporation responsible for pollutant discharge into the public storm drainage system who fails to immediately collect, remove, contain, or treat such materials as directed by the city shall be responsible for the necessary expenses incurred by the city in carrying out any

pollutant abatement procedures, including the collection, removal, containment, treatment or disposal of such materials.

C. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the Public Works Director determines that the type of discharge, whether singly or in combination with others, is a significant source of water pollution:

Natural uncontaminated groundwater; uncontaminated air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; irrigation runoff from agricultural sources that is comingled with urban stormwater; discharges in compliance with a NPDES permit; and discharges from approved footing drains and foundation drains.

D. Exemption. Discharges resulting directly from emergency firefighting activities, but not from activities such as the maintenance or cleaning of firefighting equipment, are exempt from regulation under this section. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

Section 6. Amendment to City Code.

That section 13.48.225 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.225 Drainage standards – Review and approval.

All development ~~creating new impervious surfaces~~ shall meet all applicable general and design requirements in accordance with the City of Auburn Engineering Design and Construction Standards, and for purposes of that portion of the standards set forth in the City of Auburn Surface Water Management Manual, the following provisions shall apply.

A. Pursuant to the Western Washington Phase II Municipal Stormwater NPDES permit issued by the Department of Ecology, the City has implemented a stormwater management program that requires the use of City of Auburn Surface Water Management Manual, herein after referred to as the “SWMM.”

B. The following activities that discharge to the storm drains, either directly or indirectly are regulated through the stormwater management program under this chapter:

1. Existing discharges and land uses that discharge to the storm drains, either directly or indirectly.

2. New development and redevelopment.

3. Stormwater maintenance activities.

C. Requirements for Existing Discharges and Land Uses. If the City Engineer determines that the discharges from an existing drainage control facility cause or contribute to an illicit discharge, a threat to public health and safety, or a violation of the City’s municipal stormwater NPDES permit or this chapter, the City

Engineer shall require the responsible party to implement and maintain operational BMPs in accordance with Volume IV of the SWMM. If the City Engineer determines that the discharges causing or contributing to the problem cannot be adequately addressed by operational BMPs, the City Engineer may require the responsible party to undertake more stringent or additional BMPs, which may include structural BMPs or other actions necessary to cease causing or contributing to the problem or violation.

D. Minimum Requirements for New Development and Redevelopment. New development and redevelopment activities that are required to obtain City permits shall comply with the following minimum requirements, in accordance with the City's Municipal Stormwater NPDES permit and in accordance with the thresholds and requirements in the SWMM.

1. Preparation of a Stormwater Site Plan. All projects shall prepare a stormwater site plan for review and approval by the City Engineer or his/her designee.

2. Preparation of a Construction Stormwater Pollution Prevention Plan for erosion and sediment control. This plan shall be designed to comply with the requirements and purposes of the SWMM, this section, any other applicable sections of Titles 15, 16, 17 and 18 of the Auburn City Code and any departmental guidelines promulgated by the City Engineer. The plan shall be designed, submitted and implemented to address the following:

- a. Mark clearing limits;
- b. Establish construction access routes and controls;
- c. Control flow rates;
- d. Install sediment controls;
- e. Stabilize soils;
- f. Protect slopes;
- g. Protect storm drain inlets;
- h. Stabilize channels and outlets;
- i. Control pollutants;
- j. Control dewatering;
- k. Maintain BMPs; and
- l. Manage the project.

3. Source Control of Pollutants. Source control BMPs shall be selected, designed, applied and maintained in accordance with the SWMM and any departmental guidelines promulgated by the City Engineer.

4. Preservation of Natural Drainage Systems. Natural discharges from the site shall be maintained, shall occur at the natural location to the maximum extent practicable, and must not cause a significant adverse impact downstream or down gradient.

5. On-site Stormwater Management. Where appropriate, projects shall employ on-site stormwater management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding, erosion, water quality or groundwater impacts. The City may allow Low Impact Development (LID) designed in accordance with the SWMM and *2005 Low Impact Technical Guidance Manual for Puget Sound* published by the Puget Sound Action Team or most recent update. Approval of the City Engineer is required for such BMPs.

6. Runoff Treatment. All projects that meet the thresholds for runoff treatment in Volume I of the SWMM shall provide water quality treatment in accordance with the SWMM.

7. Flow Control (detention). All projects that meet the thresholds for flow control in Volume I of the SWMM shall provide flow control in accordance with the SWMM. Additionally, all projects shall address the need to provide water quality controls according to the design criteria as determined by the City Engineer. The requirement for stormwater detention will also be determined by pipe capacity and stormwater discharge location, as provided in the SWMM.

8. Wetlands. Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designed functions. Wetland areas are also regulated by ACC Chapter 16.10, Critical Areas.

9. Operations and Maintenance. An operation and maintenance (O&M) manual consistent with City Engineering Design and Construction standards shall be provided for all proposed stormwater facilities, and the BMPs and party (or parties) responsible for operation and maintenance shall be identified. A copy of the O&M manual shall be retained on site or within reasonable access to the site and shall be transferred with the property to the new owner.

10. Off-site Analysis and Mitigation. All projects shall include an analysis of off-site water quality and quantity impacts resulting from the project and shall mitigate these impacts if necessary. The analysis shall extend a minimum of one-fourth of a mile downstream from the project. The City Engineer may require that the analysis shall extend further if deemed necessary. The existing or potential impacts to be evaluated and mitigated under this section shall include, but are not limited to:

- a. Impacts on conveyance system capacity;
- b. Localized flooding;
- c. Aquatic habitat (wetlands) impacts;
- d. Erosion impacts, including landslide hazards;
- e. Stream bank and channel erosion; and

f. Impacts to known water quality or erosion problems.

11. Geographic Specific Requirements. Projects may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, wetlands protection, and operation and maintenance, and alternative requirements for flow control as a result of location, in accordance with Volume 1 of the SWMM. (Ord. 5853 § 1, 2004.)

Section 7. Amendment to City Code. That a new section

13.48.226 of the Auburn City Code be and the same hereby is created to read as follows:

13.48.226 Exceptions procedure

A. Requests for deviation from the Minimum Requirements of Section 13.48.225, paragraph D of this chapter may be made according to this section. A deviation may be requested to allow a modification, reduction or waiver of a requirement or to permit an alternative requirement. Any such request must be made in writing. Requests for a deviation must include the following information:

1. The current (pre-project) use of the site;
2. How application of the minimum requirement(s) restricts the proposed uses of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
3. The possible remaining uses of the site if the deviation were not granted;
4. The uses of the site that would have been allowed prior to the adoption of the minimum requirements;
5. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to the adoption of the minimum requirements; and
6. The feasibility for the owner to alter the project to apply the minimum requirements.

The City Engineer shall approve or deny such requests in writing and shall only approve a deviation to the extent it is necessary. An applicant is not entitled to a deviation, whether or not criteria for approval of a deviation are met. The City Engineer may require the applicant to submit a Washington State licensed engineer's report or analysis with a request for a deviation. As a condition of approving a deviation, the City Engineer may impose new or additional requirements to offset or mitigate harm that may be caused by approving the deviation.

B. Equally Protective Deviations. The City Engineer may approve a request for a deviation if determined that it is likely to be equally protective of public health, safety and welfare, the environment, and public and private property as the requirement from which a deviation is sought.

C. Other Deviations. The City Engineer also may approve a request for a deviation where the criteria in subsection B are not met or the City Engineer cannot determine whether the criteria are met, if it is determined at his or her sole discretion that substantial reasons exist for approving the requested deviation and:

1. The deviation will not increase risk to the public health and welfare;
2. Will not be injurious to other properties in the vicinity and/or downstream;
3. Will not degrade the quality of waters of the state; and
4. The deviation is the least possible that could be granted to comply with the intent of the Minimum Requirements.

D. The approval of a deviation shall not be construed to be an approval of any violation of any other provisions of this chapter or approval of any violation of any other ordinance of the City nor approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for deviation shall not prevent the City Engineer from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried out when in violation of this chapter, or any other ordinance of the City.

E. The following public notice requirements apply whenever a request for an exception to the Minimum Requirements contained in Section 13.48.225, paragraph D of this chapter (Request) is received by the City:

1. Public notice (Notice) shall be made to inform the public about the contents of the Request and the City Engineer's decision to grant or deny it. Notice of the Request and the decision to grant or deny the Request may be combined.

2. The Notice shall be published, at the requestor's cost, in the City's newspaper of record and a local newspaper of general circulation within Auburn.

3. The Notice shall include: (i) a brief description of the Request; (ii) a brief description of the City Engineer's decision to grant the Request and reasons supporting the decision, or a statement that the request is denied; (iii) where the Request can be reviewed; and (iv) the name and contact information of a City employee who can answer questions regarding the Request.

4. The City shall provide a hardcopy of the City Engineer's decision to grant or deny a Request to the requester.

The City Engineer's decision to approve or deny a Request shall include a reference to the procedures in City of Auburn Engineering Design Standards for contesting such a decision.

Section 8. Amendment to City Code. That section 13.48.230 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.230 Connections.

A. Required Connections. All non-single-family residential building permits shall be subject to a mandatory connection to a public storm drainage system where the development has the potential to negatively impact public or private property or receiving waters as determined by the city or whenever an existing public system is available adjacent to the site or where the public system is required to be constructed adjacent to the property as a condition of development.

B. Existing Nonconforming Connections.

1. ~~Properties that utilize existing nonconforming storm drainage connections and apply for a building permit to make an addition, alteration or repairs that have 2,000 square feet or more of new or new plus replaced impervious surfaces or land disturbing activity of 7,000 square feet or more must comply with the applicable Minimum Requirements for Redevelopment as given in the Volume 1 of the SWMM. All redevelopment shall be required to comply with Minimum Requirement #2 (Construction Stormwater Pollution Prevention). All redevelopment that exceeds these thresholds shall be required to comply with additional Minimum Requirements as given in Volume 1 of the SWMM. of greater than 50 percent of the assessed valuation of such structure shall be required to bring such structure and property into conformance with current city storm drainage standards and regulations.~~

2. ~~Properties that utilize existing nonconforming storm drainage connections and apply for a building permit to make wholly interior improvements within the existing structure shall not be required to bring such structure and property into conformance with current city storm drainage standards.~~

3. ~~Properties located within the downtown plan study area as identified in Figure 1, "Downtown Plan Area" of the Auburn Downtown Plan/EIS approved May 21, 2001, that utilize existing nonconforming storm drainage connections and apply for a building permit to make an addition, alteration or repairs of greater than 50 percent of the assessed valuation of such structure whether wholly exterior or a combination of interior and exterior will not necessitate upgrading of the storm drainage facilities to current city storm drainage standards and regulations when there is no change in the~~

~~amount of impervious surface, for a period of five years from June 18, 2006 (Ord. 6015 § 1, 2006; Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)~~

Section 9. Amendment to City Code.

That section 13.48.250 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.250 Permit – Term.

Applications for storm permits shall be valid for 365 days. All permits issued under the provisions of this chapter shall be valid for a period of 365180 days after the date of permit issuanceapplication approval. Permits may be extended one time by the city, in 180 day incrementsfor a period of 60 days, if an extension is applied for prior to the expiration of the time originally limited in the permit. If the time extension is not requested prior to the expiration of the time originally limited in the permit, a new permit is required and an additional fee equal to one-half the original permit shall be charged if a time extension is granted. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

Section 10. Amendment to City Code.

That section 13.48.260 of

the Auburn City Code be and the same hereby is repealed.

Section 11. Amendment to City Code.

That section 13.48.290 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.290 Construction Inspection and approval.

A. The City may inspect sites before, during and after construction. Sites that have a high potential for sediment transport as determined through plan review shall be inspected prior to clearing and construction.

B. If the city, upon inspection of the project, finds that the work or material used is not in accordance with the provisions of this chapter, the city shall notify both the person performing the work and also the owner of the premises by written notice. Such notice shall be posted upon the premises and shall state the defects of the work and/or material found in such inspection. A copy of such notice shall be kept on file at the city.

BC. Upon the satisfactory completion of work as designated on the permit in conformance with the provisions of this chapter, the city shall sign off the permit, provide the necessary calculations for billing, and forward to the finance department to initiate the storm drainage billing as designated in ACC 13.48.100.

A copy of such permit shall remain on file with the city as a permanent record. (Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

Section 12. Amendment to City Code.

That section 13.48.440 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.440 Maintenance responsibility.

A. Private Maintenance Responsibility. The maintenance and operation of private storm drainage systems shall be the responsibility of the property owner. It shall be the responsibility of the developer to make arrangements with the occupants or owners of the subject property for assumption of operation and maintenance in a manner subject to the approval of the city or in accordance with the operations and maintenance program prepared for the property's storm drainage facilities. The city may inspect the facilities in order to ensure continued use of the facilities for the purposes for which they were built and in accordance with these arrangements. Failure to maintain the facilities accordance with the maintenance standards listed in Volume I Appendix D of the SWMM in good working order shall be considered a violation, enforceable in accordance with Chapter 1.25 ACC.

B. Public Maintenance Responsibility. The city shall be responsible for the maintenance and operation of all public storm drainage facilities located within the public easements and rights-of-way following the completion of a successful maintenance period and the acceptance of such facilities by the city. The maintenance shall be performed in accordance with the standards listed in Volume I Appendix D of the SWMM.(Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

Section 13. Amendment to City Code.

That section 15.74.030 of

the Auburn City Code be and the same hereby is amended to read as follows:

15.74.030 Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

A. "Accelerated erosion" means any increase over the rate of natural erosion as a result of a land-disturbing activity.

B. "Clearing" means any activity which removes or seriously damages ground cover, shrubs, and/or trees including but not limited to root mat removal and/or topsoil removal by mechanical and/or chemical means and which exposes the earth's surface.

C. "Filling" means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, natural vegetative covering of soil surface, or fill material (including temporary stockpiling of fill material).

D. "Grading" means any excavating, filling, clearing, or re-contouring of the ground surface or combination thereof.

E. "Ground cover" means small plants such as salal, ferns, mosses, grasses or other types of vegetation which normally cover the ground, including trees less than six inches in diameter measured at 24 inches above ground level, which renders the surface of the soil stable against accelerated erosion.

F. "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off in greater quantities or at an increased rate of flow from the flow under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered, retention/detention facilities shall not be considered as impervious surfaces for the purpose of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling. compacted gravel, asphaltic concrete, Portland cement concrete, bituminous surface, oil mat, or other finished surface or ground which is impenetrable or nearly impenetrable by water, or which becomes so over time as determined by the runoff "curve number" (CN) value as defined by the Natural Resources Conservation Service (NRCS).

G. "Land-disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity. alteration of land that results in a change in the existing ground cover or topography and that may cause or contribute to accelerated erosion or increased surface water runoff.

H. "Permanent structure" means any buildings which are immovable including homes, garages, barns, storage buildings, or a

driveway not wider than 20 feet which is the exclusive route of ingress and egress to an immovable garage or carport.

I. "Pre-loading" means the placement of material with the intent to surcharge and compress subsurface soils for a limited amount of time.

J. "Sedimentation" means the process by which solid particulate matter is transported by water off the site of the land-disturbing activity and settles onto land or the bed of a creek, stream, river, wetland, pond, lake, or other water body.

K. "Stockpiling" means the placement of material with the intent to remove at a later time.

L. "Tree" means any self-supporting perennial woody plant characterized by natural growth of one main stem or trunk with a definite crown, and maturing at a height of at least six feet above the ground.

M. "Shrubs" means any living terrestrial plant or vegetation other than a tree or ground cover on land.

N. "Significant tree" means a healthy evergreen tree, six inches or more in diameter measured four feet above grade, or a healthy deciduous tree four inches or more in diameter measured four feet above grade.

O. "Underdeveloped property" means any parcel which under the city's zoning code may be further subdivided to allow further development, or is not already developed to the fullest zoning potential.

P. "Undeveloped property" means any parcel which has not been altered from its natural state by grading or filling or by construction of private structures or public infrastructure that allows further development. (Ord. 6146 § 1, 2007; Ord. 4861 § 1, 1996; Ord. 4266 § 1, 1988.)

Section 14. Amendment to City Code.

That section 15.74.050 of

the Auburn City Code be and the same hereby is amended to read as follows:

15.74.050 Exemptions.

The following are exempt from the requirements of this chapter:

A. Removal of dead or diseased trees, shrubs, or ground cover.

B. Clearing and grading associated with continuous agricultural uses, excluding timber cutting not otherwise exempted.

C. Clearing and grading not to exceed ~~6,999~~ 8,000 square feet of area within individual lots, for the purpose of the construction of a single-family home or duplex, provided a building permit has been issued by the city prior to commencing the clearing

and grading activities and construction of the structure starts within 90 days of commencing clearing and grading activities.

D. The removal of up to six trees per lot within any 12-month period, or for lots greater than one acre, up to six trees per acre within any 12-month period, with fractional acres of one-half acre or more considered to be a whole acre.

E. Clearing and grading for the construction and maintenance of public facilities as approved by the city engineer to include water, sanitary sewer, streets, highways, storm drainage and related facilities.

F. Removal of trees, shrubs, and ground cover in emergency situations involving immediate danger to life or property.

G. Routine landscape maintenance and minor repair.

H. Removal of trees and vegetation consistent with an approved surface mining permit.

I. Removal of a tree from property zoned residential that endangers a permanent structure by being closer to the structure than the distance from the base of the tree to its top, regardless of whether the tree is located on the same property as the structure.

J. Upon approval of the city engineer or his/her designee, excavations of less than five feet in vertical depth and/or fills less than eight inches of vertical depth on any portion of a site and involving the deposit or displacement of not more than a total of 500 cubic yards of material during any 24-month period.

K. Upon approval of the city engineer or his/her designee, the temporary stockpiling of less than 500 cubic yards, combined, of topsoils, crushed rock, sawdust, mulch, bark, chips, or similar materials on a lot, tract, or parcel of land for a period not to exceed 12 months; provided, that the stockpile has adequate coverage to prevent erosion.

L. Upon approval of the city engineer or his/her designee, the broadcasting of less than 500 cubic yards of topsoil, peat, sawdust, mulch, bark, chips, or solid nutrients used for landscaping or soil conditioning on a lot, tract or parcel of land during any 24-month period, provided the finished depth does not increase the grade from the existing grade by more than eight inches.

M. Upon approval of the city engineer or his/her designee, the temporary stockpiling of organic or inorganic materials used in an approved construction project, provided the use, location, duration, and extent of the stockpile was disclosed through the environmental or development review process. In no case shall a temporary stockpile remain beyond a 24-month period.

N. The creation of impervious surfaces which have a surface area less than 2,000 ~~2,600~~ square feet.

O. Emergency temporary sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property, provided such measures do not adversely impact adjacent properties or public facilities.

An exemption from clearing, filling, and grading permit requirements does not exempt a property owner from the policies, criteria, and standards contained in this chapter or other applicable local, state, or federal regulations or permit requirements.

The property owner is responsible to ensure that clearing of any trees that are within striking distance of a structure or have the potential to cause damage to others is performed by a licensed and bonded contractor. (Ord. 6146 § 1, 2007; Ord. 4861 § 1, 1996; Ord. 4266 § 1, 1988.)

Section 15. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 16. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 17. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law, and the provisions of Sections 1 through 14 shall take effect February 16, 2010.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

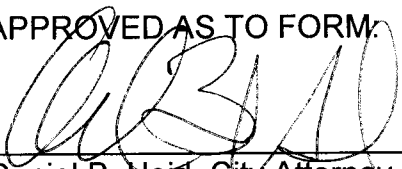
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____